

REMARKS

Applicants reply to the Final Office Action dated July 23, 2007, within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-6, and 22 were pending in the application and the Examiner rejects claims 1-6, and 22. Applicants cancel claim 3 without prejudice to filing one or more claims disclosing similar subject matter. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Double Patenting

Claims 1-6, and 22 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-67 of copending Application Serial No. 09/836,213. Applicants' Counsel is filing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection.

Rejection under 35 U.S.C. § 112

The Examiner rejects claim 1 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner notes that the limitation "said manufacturer item identifier" in lines 10-11 and 14 lacks antecedent basis. Applicants amend claim 1 to provide proper antecedent basis for the cited limitation.

Rejection under 35 U.S.C. § 102(a)

The Examiner rejects claims 1-4, and 22 under 35 U.S.C. § 102(e) as being anticipated by Awadallah et al., U.S. Patent No. 7,127,414 ("Awadallah"). Applicants respectfully traverse the rejection.

Awadallah generally discloses an e-commerce comparison shopping system. Specifically, the Awadallah system provides a web based interface, whereby users can search through databases of classified advertising for specified products. The databases maintain product descriptions and prices relating to any number of classified ads. The Awadallah system receives classified advertisements and searches the advertisements for keywords in order to determine a classification for each advertised item. Each ad is then stored within one of any number of classification databases.

Users of the Awadallah system may interact with the web interface to enter a general product description, which is then classified by the Awadallah system. For example, if a user

enters “Compaq” into a description field, the Awadallah system may classify the entered description as “computer.” Using the broader classification, the system searches the appropriate database for products that are classified in accordance with the classification for the user entered description. While an ad specifically directed toward Compaq computers may be displayed for the user, for example, the Awadallah system may also return links to ads for Dell, Gateway, and Apple.

The Awadallah system facilitates comparison shopping through a user interface using commonly used methods for context based ad retrieval and presentation. An example of such a system is Google Adwords, wherein a number of links to retailer web sites are returned based on the classification of a search term entered into the Google search engine. However, as in the case of Google and like systems, Awadallah provides a web based advertising system based on a personal computer. Such systems lack the sophistication required to perform a search of products that are similar to a Stock Keeping Unit (SKU), which is captured within a traditional merchant facility. Performing a search based on a keyword extracted from an entered product description, similar to that which is disclosed by Awadallah, is not technically difficult. Moreover, such searches are limiting in that a link between a SKU and any number of Universal Product Codes (UPC) is not established. Such a linking ensures that only products that very closely match a searched product is returned to the user.

Moreover, the Awadallah system does not enable a user to filter search results according to a merchant’s location, for example. Beyond a description, there are most often secondary considerations when consumers make a purchasing decision. As such, Awadallah does not disclose or suggest at least, “receiving from a consumer a retailer item identifier, wherein said retailer item identifier is captured by a terminal of said consumer at a retailer location”, “associating said retailer item identifier with a first manufacturer item identifier directly corresponding to said retail item identifier”, “receiving from said consumer a search criteria, wherein said search criteria is at least one of: an item price, an item quantity, a retailer, a retailer location, a consumer rating, lowest price, and a delivery time”, and “conducting a first search for said first manufacturer item identifier across a plurality of retailers, wherein said first search is based on said search criteria,” as similarly recited by independent claims 1 and 22.

Remaining claims 2 and 4 variously depend from independent claim 1. As such, dependent claims 2 and 4 are allowable for at least the same reasons as set forth above, as well as in view of their own respective features.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Awadallah. Applicants respectfully traverse the rejection.

Dependent claims 5 and 6 depend from independent claim 1. As noted above, the Awadallah does not teach or suggest each feature of amended independent claim 1 and the Examiner's Official Notice does not teach or suggest the missing features. The Examiner asserts that, "it is old and well known to pre authorize transactions that meet certain criteria" (page 5, item 11); however, the Examiners assertion does not disclose or suggest at least, "receiving from a consumer a retailer item identifier, wherein said retailer item identifier is captured by a terminal of said consumer at a retailer location", "associating said retailer item identifier with a first manufacturer item identifier directly corresponding to said retail item identifier", "receiving from said consumer a search criteria, wherein said search criteria is at least one of: an item price, an item quantity, a retailer, a retailer location, a consumer rating, lowest price, and a delivery time", and "conducting a first search for said first manufacturer item identifier across a plurality of retailers, wherein said first search is based on said search criteria," as similarly recited by amended independent claim 1 from which claims 5 and 6 depend. Thus, dependent claims 5 and 6 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

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Respectfully submitted,
By _____
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